

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

**NOTICE OF CORRESPONDENCE REGARDING THE ONE HUNDRED TENTH
OMNIBUS OBJECTION (NON-SUBSTANTIVE) OF THE COMMONWEALTH OF
PUERTO RICO, PUERTO RICO HIGHWAYS AND TRANSPORTATION
AUTHORITY, AND EMPLOYEES RETIREMENT SYSTEM OF THE GOVERNMENT
OF THE COMMONWEALTH OF PUERTO RICO TO INDIVIDUAL PROOF OF
CLAIM NO. 100877.**

To the Honorable United States District Judge Laura Taylor Swain:

1. On December 12, 2019, the Commonwealth of Puerto Rico (the “Commonwealth”), the Puerto Rico Highways and Transportation Authority (“HTA”), and the Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”), by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight”

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

Board”), as the sole representative of the Commonwealth, HTA and ERS (collectively, the “Debtors”) pursuant to Section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),² filed the *One Hundred Tenth Omnibus Objection of the Commonwealth of Puerto Rico, Puerto Rico Highways and Transportation Authority, and Employees Retirement System of the Government of the Commonwealth of Puerto Rico to Deficient Claims Asserting Interests Based on Unspecified Puerto Rico Statutes* [ECF No. 9560] (the “One Hundred Tenth Omnibus Objection”) to various proofs of claim.

2. The One Hundred Tenth Omnibus Objection seeks to disallow certain deficient claims which purport to assert liabilities arising from salary or other compensation owed in connection with employment, pensions, or services provided by the claimant, but fail to provide critical information, such as the specific services provided, the salary accrued but unpaid, or other information needed to understand what liabilities any of the Commonwealth, HTA, ERS, or any other Title III Debtor may owe.

3. The Debtors have received the attached correspondence from José A. Colón Rivera (“Colón Rivera”), a copy of which is attached hereto as Exhibit “A” (the “Colón Rivera Response”), regarding Proof of Claim No. 100877 (the “Colón Rivera Claim”). A certified translation of the Colón Rivera Response is attached hereto as Exhibit “A-1”.

4. The Colón Rivera Response consists of a partially-completed Mailing,³ which, as set forth in the One Hundred Tenth Omnibus Objection, was mailed to claimants whose claims did not provide critical information, such as the specific services provided, the salary accrued but unpaid, or other information needed to understand what liabilities the Commonwealth, HTA, ERS,

² PROMESA is codified at 48 U.S.C. §§ 2101-2241.

³ Capitalized terms used but not defined herein shall have the meanings ascribed to them in the One Hundred Tenth Omnibus Objection.

or any other Title III debtor might owe. The Colón Rivera Response purports to assert liabilities owed by the Department of Education and arising from “96,” but does not contain any additional information necessary to evaluate the Colón Rivera Claim, such as an explanation of the basis for any liabilities owed to Colón Rivera. Accordingly, the Debtors have determined that the Colón Rivera Response still does not provide sufficient information to enable the Debtors to reconcile the Colón Rivera Claim.

5. The Debtors therefore respectfully request that the Court grant the One Hundred Tenth Omnibus Objection and disallow the Colón Rivera Claim, notwithstanding the Colón Rivera Response.

Dated: November 11, 2020
San Juan, Puerto Rico

Respectfully submitted,

/s/ Hermann D. Bauer

Hermann D. Bauer

USDC No. 215205

Carla García Benítez

USDC No. 203708

Daniel J. Perez-Refojos

USDC No. 303909

O’NEILL & BORGES LLC

250 Muñoz Rivera Ave., Suite 800

San Juan, PR 00918-1813

Tel: (787) 764-8181

Fax: (787) 753-8944

*Attorneys for the Financial Oversight and
Management Board for Puerto Rico, as
representative for the Commonwealth, HTA,
and ERS*

/s/ Martin J. Bienenstock

Martin J. Bienenstock (*pro hac vice*)

Brian S. Rosen (*pro hac vice*)

PROSKAUER ROSE LLP

Eleven Times Square

New York, NY 10036

Tel: (212) 969-3000

Fax: (212) 969-2900

*Co-Attorneys for the Financial Oversight
and Management Board for the Puerto Rico,
as representative for the Commonwealth,
HTA, and ERS*